

REMARKS/ARGUMENTS

I. Introduction

Claims 1, 3, 5-14, and 24-44 are pending in the present application. Of these claims, claims 1, 30, and 31 are independent claims. The remainder of the claims, namely claims 3, 5-14, 24-29, and 32-44, depend directly or indirectly from independent claim 1.

The Examiner has rejected all the pending claims under 35 USC §102 for anticipation based on US Patent No. 6,564,261 to Gudjonsson et al. ("Gudjonsson"). Therefore, if Applicants demonstrate that claims 1, 30, and 31 are not anticipated by Gudjonsson, then the claims that depend directly or indirectly any independent claim also will not be anticipated by this reference. Hereinafter, Applicants will demonstrate that pending claims 1, 3, 5-14, and 24-44 are not anticipated by Gudjonsson, thereby placing the present application in condition for allowance.

II. Pending Claims Are Not Anticipated by Gudjonsson

Claims 3, 5-14, and 24-44 are pending in the present application. Of these claims, claims 1, 30, and 31 are the only independent claims. Claim 1 is a method claim, and claims 30 and 31 are apparatus claims. At pages 3 and 4 of the Office Action, the Examiner has rejected claims 1 and 30 based on the same citations from Gudjonsson. At page 14 of the Office Action, the Examiner recites bases for rejecting claim 31 that rely on the same citation as used in rejecting claims 1 and 30.

For there to be "anticipation" based on a single reference, that single reference must disclose each and every claim element in the same way. *See Schering Corp. v. Geneva Pharma., Inc.*, 339 F.3d 1373, 1377 (Fed. Cir. 2003) ("[a] patent claim is invalid for anticipation if a single prior art reference discloses each and every limitation of the claimed invention"); *Brown v. 3M*, 265 F.3d 1349, 1351 (Fed. Cir. 2001) ("[t]o anticipate, every limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim"); *Kloster Speedsteel AB v. Crucible, Inc.*, 794 F.2d 1565, 1571 (Fed. Cir. 1986) ("absent from the reference of any claimed element indicates anticipation"). Applicants respectfully submit that Gudjonsson does not meet the standard for a reference to properly support an anticipation rejection.

At pages 3 and 4 of the Office Action, the Examiner states the following in rejecting claims 1 and 30:

As per claim 1, Gudjonsson teaches, a method for determining one or more relationships between a plurality of users of a network system (see at "abstract" and col. 2, lines 51-67), the method including the steps of:

a) "populating a database with a unique network user identifier for each of the plurality of users" at "abstract" and col. 2, lines 51-67,

b) "selecting a user and further populating the database with connection data for the selected user from a network access device associated with the selected user to provide unique network user identifiers of users known to the selected user" at "abstract", col. 2, lines 51-67, col. 7, lines 35-67 and col. 8, lines 47-65,

c) "repeating step b) for the remainder of the plurality of users" col. 2, lines 51-67, col. 7, lines 35-67, col. 8, lines 47-67 and col. 9, lines 1- 7,

d) *"for a predetermined user, searching each of the plurality of user's connection data in the database for the predetermined user's unique network user identifier to identify all users that have the predetermined user's unique network user identifier in their connection data"* at "abstract", col. 2, lines 51-67, col. 7, lines 35-67, col. 8, lines 47-65 and col. 9, lines 1- 7 (since the users are already predetermined),

e) *["]storing the network user identifiers of the users located by the search of step d), to provide set of data for the predetermined user representative of one or more other user's relationship with the predetermined user"* at "abstract", col. 2, lines 51-67, col. 7, lines 35-67 and col. 8, lines 47-65 and col. 9, lines 1- 7 (since the users are already predetermined), and

f) *"providing data from the data setoff step e) to a network access device associated with the predetermined user"* at "abstract", col. 18, lines 18-59, col. 2, lines 51-67, col. 7, lines 35-67 and col. 8, lines 1-2 and col. 33, lines 31-48 (since, the users are already predetermined) and.

Note that claim 30 recites the same corresponding limitations as set forth in claim 1 above, thus the claim is rejected accordingly (Emphasis in original and added.)

Applicants submit that Gudjonsson does not teach or suggest at least elements (d), (e), or (f) of claims 1 and 30, which are shown in italics in the quotation above.

At page 14 of the Office Action, the Examiner states the following in rejecting claim 31:

As per claim 31, Gudjonsson teaches, "apparatus for determining one or more relationships between a plurality of users of a network system, the apparatus including: a database populated with a unique network user identifier for each of the plurality of users and with connection data for each such user, the connection

data being obtained from a network access device associated with each such user, a processor adapted to search each user's connection data in the database for a predetermined user's unique network user identifier to identify all users that have the predetermined user's unique network user identifier in their connection data, a memory device to store the user identifiers located by the search to provide a data set for the predetermined user representative of one or more other user's relationship with the predetermined user, and wherein the processor is further adapted to provide the data set to a network access device associated with the predetermined user" at "abstract", col. 18, lines 18-59, col. 2, lines 51-67, col. 7, lines 35-67 and col. 8, lines 1-2 and col. 33, lines 31-48 (since, the users are already predetermined. (Emphasis in original and added.)

Applicants submit that Gudjonsson does not teach or suggest at least the processor, memory device, and the further feature of the processor in the wherein clause of claim 31.

The following table shows the portions of Gudjonsson that the Examiner has relied on in disclosing or describing certain portions of claims 1, 30 and 31.

Claim Element	First Citation	Second Citation	Third Citation	Fourth Citation	Fifth Citation	Sixth Citation
Claims 1, 30, Sec. d)	Abstract	Col. 2, Ins. 51-67	Col. 7, Ins. 35-67	Col. 8, Ins. 47-65	Col. 9, Ins. 1-7	
Claims 1, 30, Sec. e)	Abstract	Col. 2, Ins. 51-67	Col. 7, Ins. 35-67	Col. 8, Ins. 47-65	Col. 9, Ins. 1-7	
Claims 1, 30, Sec. f)	Abstract	Col. 2, Ins. 51-67	Col. 7, Ins. 35-67	Col. 8, Ins. 47-65	Col. 18, Ins. 18-59	Col. 33, Ins. 31-48
Claim 31: Processor and Memory Device	Abstract	Col. 2, Ins. 51-67	Col. 7, Ins. 35-67	Col. 8, Ins. 47-65	Col. 18, Ins. 18-59	Col. 33, Ins. 31-48

As shown in the foregoing table, the Examiner has relied on substantially the same portions of Gudjonsson as disclosing independent claims 1, 30, and 31. Applicants submit that at least these elements or steps of these claims are not taught or suggested by the single reference

Gudjonsson relied on by the Examiner to support the anticipation rejection. The actual text of the portions of Gudjonsson relied on by the Examiner are set forth in Attachment A.

Referring to claims 1 and 30, the Examiner has contended that section (d) of each of these claims is taught or suggested by the "abstract", column 2, lines 51 to 67, column 7, lines 35 to 67, and column 8, lines 47 to 65 and column 9, lines 1 to 7. Applicants submit that the Examiner fails to understand the teachings of section (d) of claims 1 and 30.

Section (d) of claims 1 and 30 states the following:

Claim 1 (d): for a predetermined user, searching each of the plurality of user's connection data in the database for the predetermined user's unique network user identifier to identify all users that have the predetermined user's unique network user identifier in their connection data...

Claim 30 (d): means for a predetermined user, searching each of the plurality of user's connection data in the database for the predetermined user's unique network user identifier to identify all users that have the predetermined user's unique network user identifier in their connection data...

With regard to section (d) of claims 1 to 30, each teaches that the user connection data includes user identifiers of users known to a selected user and obtained from the selected user's network access device. These sections also involve searching the connection data to identify users that have another user's, i.e., the predetermined user's, identifier in their connection data.

The abstract of Gudjonsson is directed to users being registered within a specific cluster and these users are given a unique system/network ID for establishing communication sessions with other users. This shows that the main purpose of the alleged invention of Gudjonsson is to allow communications irrespective of the type of client. Given that this is the intent of Gudjonsson, the remainder of the citations by the Examiner are to support the alleged invention described in the abstract.

The citation at column 2, lines 51-67 is directed to a system which includes a loosely confederated network of server clusters along with a number of client terminals that are connected to the clusters. System users are given a unique user ID, which may be unique within a cluster or be a globally unique user ID within the complete system.

The citation at column 7, lines 35 to 67 is directed to a main function of the system which is to provide users with a simple and secure way of establishing arbitrary communication sessions with other users or services.

The citation at column 8, lines 47-67 provides a listing of the basic set of services that would be provided according to embodiments of the alleged invention of Gudjonsson. The service indicated at #5 is directed to the ability to monitor the status/presence of a given set of other users and be notified of any change thereof.

The citation at column 9, lines 1-7 are directed to communications being established and invitations being forwarded from one user to another.

Noting the contents of the citations from Gudjonsson, none of these citations describe or disclose the features of section (d) and nor has the Examiner demonstrated that these citations to Gudjonsson teach or suggest the features of this section of claims 1 and 30.

Again referring to claims 1 and 30, the Examiner has contended that section (e) of each of these claims is taught or suggested by the "abstract", column 2, lines 51 to 67, column 7, lines 35 to 67, and column 8, lines 47 to 65 and column 9, lines 1 to 7. Applicants submit that the Examiner also fails to understand the teachings of section (e) of claims 1 and 30.

Section (e) of claims 1 and 30 states the following:

Claim 1 (e): storing the network user identifiers of the users located by the search of step d), to provide set of data for the predetermined user representative of one or more other user's relationship with the predetermined user...

Claim 30 (e): means for storing the network user identifiers of the users located by the search of step d), to provide set of data for the predetermined user representative of one or more other user's relationship with the predetermined user...

With regard to section (e) as set forth above for claims 1 to 30, each teaches that the set of data that is obtained from the search that is carried out in previous step (d) and stored is a list of identifiers of those users who "know" the predetermined user, i.e., have the predetermined user's identifier in their connection data, irrespective of whether the predetermined user "knows" them.

As indicated above, the Examiner has cited the same sections of Gudjonsson as disclosing section (e) of claims 1 and 30 as were cited with respect to section (d) of these claims. Accordingly, the descriptions of the teachings with respect to these cited portions of Gudjonsson are incorporated here by reference. As is readily seen, these citations do not teach or suggest section (e) of claims 1 and 30 of the present application.

Applicants have reviewed column 9 beyond the Examiner citation lines 1-7 and submit that this column generally describes the routing service that is the mechanism used to decide what to do with an invitation message sent by a user on the system. In this expanded reading of column 9, there is no disclosure of the routing service being based upon an individual system user's connection data as retrieved from a network access device which is then used to provide a set of data for a predetermined user representative of one or more other user's relationship with that predetermined user. Instead, column 9 describes a routing service that is used and the messages that are routed are never sent directly between users but always from a user to another user's routing service. Therefore, this is further evidence that the teachings of Gudjonsson teach away from section (e) of claims 1 and 30.

Noting this, the citations to Gudjonsson with respect to section (e) of claims 1 and 30 do not describe or disclose the features of section (e) and the Examiner has not demonstrated that these citations to Gudjonsson teach or suggest the features of this section of claims 1 and 30.

Referring to claims 1 and 30, the Examiner has contended that section (f) of each of these claims is taught or suggested by the "abstract", column 2, lines 51 to 67, column 7, lines 35 to 67, column 8, lines 47 to 65 and column 18, lines 18-59, and column 33, lines 31-48. Applicants again submit that the Examiner fails to understand the teachings of section (f) of claims 1 and 30.

Section (f) of claims 1 and 30 states the following:

Claim 1 (f): providing data from the data setoff step e) to a network access device associated with the predetermined user.

Claim 30 (f): means for providing data from the data setoff step e) to a network access device associated with the predetermined user.

With regard to the section (f) of claims 1 to 30, each teaches that a predetermined user is allowed to use his or her network access device to discover which other users have the predetermined user in their connection data.

The Examiner has cited three of the same sections of Gudjonsson as disclosing or describing section (f) of claims 1 and 30 as cited as disclosing or describing section (d) and (e) of these claims. These are the abstract, column 2, lines 51-67; column 7, lines 35-67, and column 8, lines 47-65. Accordingly, the descriptions of the teachings with respect to cited

portions of Gudjonsson are incorporated herein by reference. As such, these same citations do not teach or suggest section (f) of claims 1 and 30 of the present application.

The Examiner also relied on two additional citations to Gudjonsson for attempting to support section (f) is anticipated. These are citations to column 18, lines 18-59 and column 33, lines 31-48. Referring to the citation to column 18, this portion of Gudjonsson refers to general tools, features, and "responsibilities" that are described in a general matter. Further, there is no specific disclosure or providing of data which is representative of one or more other user's relationship with a predetermined user to a network access device associated with the predetermined user. With regard to the citation to column 33, this portion of Gudjonsson refers to a user being notified of new messages arriving at the user's inbox. However, there is no disclosure or description of the provision of networked identifiers, which are representative of users of the system, that have the predetermined user in their contact lists being supplied.

As provided above, Applicants have reviewed the two additional sections of Gudjonsson upon which the Examiner relies as disclosing or describing section (f) and Applicants have shown that these additional sections do not disclose what is disclosed in section (f) of claims 1 and 30.

Applicants have demonstrated that Gudjonsson does not teach at least sections (d), (e), or (f) of claims 1 and 30 of the present application. Accordingly, Gudjonsson cannot be relied on to set forth a *prima facie* basis for anticipation of claims 1 and 30 of the present application. Therefore, Applicants have traversed the Examiner's anticipation rejection based on Gudjonsson and respectfully request that the Examiner withdraw this rejection as it has been applied to claims 1 and 30.

Claims 3, 5-14, 24-29, and 32-44 depend directly or indirectly from claim 1. Since these dependent claims add features to claim 1, if claim 1 is not anticipated by Gudjonsson, then claims 3, 5-14, 24-29, and 32-44 are not anticipated by Gudjonsson for the same reasons as claim 1. Noting this, Applicants have traversed the Examiner's anticipation rejection as it applies to dependent claims 3, 5-14, 24-29, and 32-44, and respectfully request that it be withdrawn.

Claim 31 is an apparatus claim that includes a processor and memory device as elements. Claim 31 recites the following:

31. (Previously Presented) Apparatus for determining one or more relationships between a plurality of users of a network system, the apparatus including:

a database populated with a unique network user identifier for each of the plurality of users and with connection data for each such user, the connection data being obtained from a network access device associated with each such user,

a processor adapted to search each user's connection data in the database for a predetermined user's unique network user identifier to identify all users that have the predetermined user's unique network user identifier in their connection data,

a memory device to store the user identifiers located by the search to provide a data set for the predetermined user representative of one or more other user's relationship with the predetermined user, and wherein the processor is further adapted to provide the data set to a network access device associated with the predetermined user.

The Examiner has rejected claim 31 based on the same set of citations as directed to section (f) of claims 1 and 30. These citations are the "abstract", column 2, lines 51 to 67, column 7, lines 35 to 67, column 8, lines 47 to 65 and column 18, lines 18-59, and column 33, lines 31-48. Applicants incorporate by reference their statements above as to the teachings of each of these citations from Gudjonsson. Applicants note that certain disclosures relating to the processor and memory device of claim 31 are directed the descriptions associated with sections (d), (e), and (f) of claims 1 and 30. Applicants submit because of this, the Examiner has relied on the same citations applied to claims 1 and 30 for the same purpose in claim 31.

Applicants have traversed the rejections based on Gudjonsson as applied to claims 1 and 30 because Gudjonsson does not teach or suggest at least the elements or steps of sections (d), (e), and (f) of these claims. Applicants submit that for the same reasons that Gudjonsson does not teach or suggest the elements of sections (d), (e), and (f), this reference also does not teach or suggest the features of the processor and memory device of claim 31 that are parallel to the elements or steps at sections (d), (e), and (F) of claims 1 and 30. Therefore, Applicants have traversed the anticipation rejection applied to claim 31 based on Gudjonsson and request that this rejection be withdrawn.

III. Conclusion

Claims 1, 3, 5-14, and 24-44 are pending in the present application. The Examiner has rejected all the pending claims under 35 USC §102 for anticipation based on Gudjonsson.

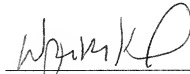
Applicants have demonstrated herein that Gudjonsson does not teach or suggest the invention of the pending claims. Accordingly, the anticipation rejections based on Gudjonsson are traversed and should be withdrawn, thereby placing the present invention in condition for allowance.

The present invention is new, non-obvious, and useful. Reconsideration and allowance of the claims are respectfully requested.

Applicant submits the fee for a three month extension of time. Applicant believes no other fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-0219, under Order No. 0289917.00123US1 from which the undersigned is authorized to draw.

Respectfully submitted,

Dated: November 11, 2009

A handwritten signature in dark ink, appearing to read 'Wayne M. Kennard', is written over a horizontal line.

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ATTACHMENT A

Citation	Gudjonsson Text
Abstract	<p>A network provides users with a simple and secure way of establishing communication sessions with other users or services, running either over IP networks or other networks, e.g., PSTN. In a sense, the network can broker communication services between two or more users (e.g., people) and/or services. A plurality of different clusters of servers is provided, and each of the clusters may be linked together. In certain embodiments, each cluster includes multiple servers. Users are registered within some specific cluster and given a unique system/network ID. In certain embodiments, messages are not sent directly between users, but instead through at least one intermediate routing service (RS) provided on a server of one of the users. Thus, in certain embodiments, a user may hide or mask his/her personal information from other users even when communicating with them. In certain embodiments, a user may establish a communication session with another user without knowledge of the client device (e.g., PC, mobile phone, etc.) being used by the other user; as the network arranges for communication (e.g., text chat session, voice chat session (PC to PC, PC to PSTN, or PC to mobile phone), web conference, or pages (PC to PC, PC to SMS)) between the users regardless of the client device being used by the called user. Thus, the network enables any of the above communication services between users, and the initiating user need not know whether the other user is currently online via his/her PC or may instead be reached via pager or mobile phone.</p>
Col. 2, Ins. 51-67	<p>A system includes a loosely confederated network of server clusters along with any number of client terminals (i.e., clients) that connect to the clusters. Terminals/clients can be software entities running under some operating system or any other device running on some communication network that can have access to the cluster. Users are registered within some specific cluster and given a unique user ID. This user ID along with the ID of the cluster (CID) constitutes a globally unique user ID (UID) within the whole system. Users can be human or any other entity that connects to the cluster via some client terminal or by some other method/system. Terminals can gain access to any number of services running within the cluster, or to services running in other clusters (a "service" is a software entity that can have arbitrary functions). The connection between the terminal and the cluster is secure, and may use cryptography in certain embodiments.</p>
Col. 7, Ins. 35-67	<p>A system/network according to certain embodiments of this invention includes a plurality of client applications (e.g., Win32 operable by respective users) and a back-end server system having a plurality of clusters (e.g., running on Windows NT). A main function is to provide users with a simple and secure way of establishing arbitrary communication sessions with other users or services,</p>

	<p>running either over IP networks or other networks, e.g., PSTN. It also provides operators (an operator is one who operates or manages at least one cluster) a comprehensive environment in which to deploy value added services (e.g., search engine services, database services, shopping services, services for sending users stock information such as stock prices, video conferencing services which enable user(s) to set up a video conference via a video conferencing server that is external to the application, etc.) to their users and to be able to charge for their use, as well as providing them a way to link their installed base of services over to IP networks. In basic terms, aspects of the system/network act as a broker(s), and can broker communication services between two or more people (or their respective clients/PCs/phones), as well as broker access to value added services, some communications based--others not. Access to the services is provided either by lightweight clients, running on various operating platforms or through gateways for browser based systems, such as WAP (Wireless Application Protocol). The system/network is designed to enable easy building and operation of Value Added Services (VAS), using the user management functions, security, authentication and charging features of the system/network as their base. Since the system/network is designed to offer accessibility and mobility, a user will be able to access his or her data and services from virtually any communication device--computer, mobile phone, handheld devices etc. ensuring a broad reach for Value-Added Services of the system/network.</p>
Col. 8, Ins. 47-65	<p>In certain embodiments of this invention, by default a cluster 1 will run a basic set of services. In exemplary embodiments, this basic set of services may offer the following features: 1) allow each user (or user's client) 7 to have a unique identity within all clusters; 2) provide each user 7 the ability to connect and be securely authenticated by the cluster 1 using that identity; 3) provide each user 7 the ability to define arbitrary sets of data related to that identity (this data is persisted or stored in the database 13, and this data is referred to herein as "presence" data of the user); 4) provide each user 7 the ability to publish a dynamic status information and/or presence information related to their identity (in a simple case, this status or presence might be whether the user is currently online on his/her PC or not); 5) provide each user 7 the ability to monitor the status/presence of a given set of other users 7 (in the same or different cluster(s)), and be notified of any change thereof; and 6) provide each user 7 the ability to look for other user's identity(ies) using queries by name or other useful criteria.</p>
Col. 9, Ins. 1-7	<p>Different types (e.g., voice or text) of communication may be established in different embodiments. The system/network handles the initial discovery of the mutual communication channel using "invitations." "Invitations" may also be referred to as invitation messages or INVITE(s) herein, for purposes of simplicity.</p>
Col. 18, Ins. 18-59	<p>Load balancing service 41 allocates resources which are external to the cluster in a fashion which load balances the resource usage. The idea here is that a client 11 may wish to use the services of servers which are not implemented within</p>

	<p>the cluster yet form an integral part of the application and should thus be allocated (and administered) as conceptually a part of the cluster. The session service 37 handles session creation, setup and management as well as data transfer between members of the session.</p> <p>Administrative tools allow system administrators to change certain settings of the system, add new users, etc. They are responsible for notifying all components in a cluster of changes to settings that affect them.</p> <p>Database abstraction layer 69 provides a unified way of accessing the database 13 used in the cluster. Layer 69 provides access to several LDOs (Logical Data Objects) which are user-defined (i.e. defined by service creators) objects in the DB 13 which provide an abstraction for some data structure stored in the database.</p> <p>Responsibilities of framework 67 include the following:</p> <ul style="list-style-type: none">A. Provide an environment which efficiently handles matters such as I/O, timed alarms, thread pooling, message broadcasting, database connection pooling and logging, hiding the complexity from the service creator.B. Expose abstractions to service creators which make their life easier. These include abstractions related to I/O, the database and data stored therein, alarms, message broadcasting (notifications) and logging.C. Perform caching of data within the data abstractions supplied.D. Reuse existing data abstraction object instances when this is efficient.E. Supply a non-ambiguous method of specifying a protocol description.F. Implement a process which can, given a protocol description, output code which implements the details of how to encode protocol requests for sending them over the wire and how to use the I/O primitives supplied by the framework. In essence, this process hides from the service creator and the client implementor the fact that the client using the service does not run on the same computer.
Col. 33, Ins. 31-48	<p>It shall be possible to create additional devices as needed (e.g., conversational agent). As for the devices above, the auto-replier device is basically a device which the user 7 can set up to reply differently to different users, using voice and/or text. This device is an integral part of the instant system/network. In the case of voice conversations, only the client 11 is able to initiate a voice conference between more than two users. The inbox receives all STMs sent to a user, as well as notifications of delivery of messages (e.g., when the system routes an email to the user's fax). The user can specify which types of message deliveries he wants notification of. The client can give access to the inbox, and notify the</p>

	user of new messages arriving in the inbox. In the case that user A tries to contact user B using a mode of communication or message type that user B does not support (i.e., user B has no device capable of participating in the mode of communication or receiving the message type) the system shall notify user A of this.
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